FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 MAY -5 PM 12: 04

UNITED STATES OF AMERICA,

Plaintiff,

v.

Humberto GONZALEZ-Hernandez,

Defendant(s)

Magistrate Case No.

'08 MJ 1422

BY: DEPUTY

COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)
Bringing in Illegal Aliens Without Presentation

The undersigned complainant, being duly sworn, states:

On or about **May 2, 2008,** within the Southern District of California, defendant **Humberto GONZALEZ-Hernandez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Juan GONZALEZ-Valdez, Jesus RODRIGUEZ-Monguia, Angel Abraham SANCHEZ-Garcia,** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Terri L. Dimolios
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **5th** DAY OF **MAY 2008**

Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Humberto GONZALEZ-Hernandez

GVr

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Juan GONZALEZ-Valdez, Jesus RODRIGUEZ-Monguia, and Angel Abraham SANCHEZ-Garcia** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 2, 2008, Border Patrol Agent B. Lopez on the All Terrain Vehicle Unit (ATV's) was performing line watch duties, within the Imperial Beach Station area of operations. At approximately 2:05 A.M., Sector Dispatch informed Agent Lopez of a seismic intrusion device activation near an area commonly referred to as "West Smugglers". "West Smugglers is approximately three miles west of the San Ysidro, California Port of Entry and is directly adjacent to the United States/Mexico International Boundary fence and extending north approximately 500 yards. Shortly after the device activation, the National Guard Unit operating the Imperial Beach Station's Infrared Cameras observed a group of six persons riding bicycles moving north through the West Smugglers area.

The All Terrain Vehicle Unit (ATV's) responded to the seismic intrusion device activation and following directions given by the Inside Infrared Camera Operators moved to a position north of the bicycles. Upon arriving in the area north of West Smugglers, Agent Lopez observed that there was fresh bicycle sign on the ground indicating that the bicycles observed by the Scope Operator had already passed the ATV's position. Agent Lopez began following the bicycle sign and after approximately 30 yards the sign turned off the dirt road and into a nearby field where Agent Lopez discovered six bicycles strewn in the brush. From each of the bicycles a fresh set of footprints was discovered by Agent Lopez and he began following the sign north as it moved through the field. Agent Lopez informed other agents in the area of his observations, describing the footprints and advising the other agents to take northern positions and begin looking for those footprints described. Agent Lopez then got back on his ATV and returned to following the footprints. As Agent Lopez moved north he continued to inform the other agents in the changes of direction the group was taking and possible areas to where the northern agents could move to a position to intercept the group. Upon coming to an area known as "the 19th Street Dip" Agent Lopez observed that the group began to brush out their foot sign. Agent Lopez was able to observe small bits of sign missed by the brushing out that partially matched the original sign he was following. After approximately 50 yards of following the brush out, Agent Lopez observed that the attempt to brush out the sign had ceased and he was able to positively identify the original sign that he was following. The footprints led to the San Geronimo Horse Ranch and shortly after entering the ranch Agent Lopez discovered six individuals hiding among some stacked fencing material. A quick check revealed that their tread patterns on the shoes of the individuals matched the sign Agent Lopez had been following.

Agent Lopez identified himself as a U.S. Border Patrol Agent and questioned each of the individuals as to their citizenship and nationality. Each subject freely admitted to being a citizen and national of Mexico illegally present in the United States and none of the subjects possessed any Immigration documents that would allow them to legally enter or remain in the United States. Each subject was placed under arrest at 3:30 A.M. The six subjects, including one later identified as the defendant **Humberto GONZALEZ-Hernandez**, were then transported to the Imperial Beach Station for further processing.

G-Vr

CONTINUATION OF COMPLAINT:
Humberto GONZALEZ-Hernandez

DEFENDANT STATEMENT:

The defendant was advised of his Miranda Rights and stated that he understood his rights and was willing to answer questions without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally.

The defendant stated that on May 1, 2008 approximately 8:30 pm, he received a phone call at his house from an alien smuggler known to him as "El Gallo." This individual told the defendant that he needed to guide a group of undocumented aliens into the United States. "El Gallo" told the defendant to meet the group in an area known as "El Canon del Muerto." The defendant stated that he arrived in this area at approximately 9:00 pm and met the group of undocumented aliens. The defendant stated that there were approximately thirty individuals working for the "El Gallo" alien smuggling organization in the area. The defendant stated that most of these individuals were working as look-outs. The defendant stated that he gave the group of undocumented aliens a series of instructions and directions prior to entering illegally just in case they would get lost.

The defendant stated that on May 2, 2008, at approximately 2:30 am, they received the green light from one of the look-outs to enter the United States illegally. They grabbed six bicycles and passed them over the International Boundary Fence. The defendant stated that this particular time they were apprehended by the Border Patrol very shortly after entering the United States illegally.

The defendant stated that they prefer to use bikes because it takes them only 30 minutes to arrive at the pick spot as supposed to two hours if they travel on foot. GONZALEZ stated that the organization would buy the bikes anywhere in Tijuana for approximately $30.00 USD.

The defendant stated that this particular time, he was going to be paid $200.00 USD per smuggled alien. He was going to guide him in the bikes to an area located by the ranches, the defendant stated that they prefer to use this area as the pick up spot because is surrounded by heavy vegetation and they are hard to be detected by the Border Patrol.

The defendant stated that there are approximately five different load drivers working for this organization. He stated that he has made five successful trips while guiding a group of six undocumented aliens each time. The defendant stated that every time he successfully smuggles an undocumented alien, he gets paid $200.00 USD on the third day. The defendant stated that he started smuggling for this organization approximately six months ago. The defendant stated that every time he gets picked up by a load driver, he and the group are blindfolded by the driver to avoid identifying the load house. The defendant stated that no undocumented alien is allowed to leave the load house until final payments are made with sponsors.

MATERIAL WITNESSES STATEMENTS:

Material Witnesses **Juan GONZALEZ-Valdez, Jesus RODRIGUEZ-Monguia, and Angel Abraham SANCHEZ-Garcia** stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they did not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Baja California, Mexico to be smuggled into the United States. All the material witnesses stated that they were to pay $2,500.00 U.S. dollars to be smuggled to Los Angeles, California. All the material witnesses stated that a guide led them across the border using bicycles. When shown a photographic lineup all the material witnesses were able to identify the defendant **Humberto GONZALEZ-Hernandez** as the guide.

CONTINUATION OF COMPLAINT:
Humberto GONZALEZ-Hernandez

Executed on May 3, 2008, at 10:00 a.m.

Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **3** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **May 2, 2008,** in violation of Title **8**, United States Code, Section **1324**.

Louisa S. Porter
United States Magistrate Judge

5/3/08 11:30 A.M.
Date/Time